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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,247	06/07/2001	Pieter Jan Stappers	7238/0J393	2263
7590	01/04/2005		EXAMINER	
DARBY & DARBY P.C. 805 Third Avenue New York, NY 10022				ROSWELL, MICHAEL
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,247	STAPPERS, PIETER JAN	
	Examiner	Art Unit	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacCuish (SPIE, 1/29/1996, v. 2656, pp. 104-115) and Tachibana et al (U.S. Patent No. 6,219,053).
3. In regards to claims 1, 2, 5, and 6, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity. MacCuish's method and device display some icons on the display unit at initial utilization.
4. MacCuish fails to teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons. MacCuish also fails to teach the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit.
5. Tachibana et al do teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element

where its degree of dissimilarity to other icons corresponds with the distances between the icons. (Column 2, Lines 42-52) and the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit (Column 1, Lines 1-5).

6. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated icons are separated at distances based on their dissimilarity and are spaced as to optimize the usable display area on the display unit.

7. The motivation for such a combination is given by Tachibana et al, who state "the present invention relates to a system for monitoring objects and the correlation between the objects on a map showing the correlation between objects" (Column 1, Lines 9-11).

8. In regards to claims 3 and 7, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity. MacCuish's method and device display some icons on the display unit at initial utilization.

Tachibana et al teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons.

9. MacCuish fails to disclose a means for placing an icon in the center of the display unit, while the remaining displayed icons are grouped around the centered icon.

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10. Tachibana et al disclose a means for placing an icon in the center of the display unit, while the remaining displayed icons are grouped around the centered icon (Column 16, Lines 62-67 and Column 17, Lines 1-4).

11. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated icons are separated at distances based on their dissimilarity, where an icon may be centered on the display unit, while the remaining displayed icons are grouped around the centered icon.

12. The motivation for such a combination is given by Tachibana et al, who state "the present invention relates to a system for monitoring objects and the correlation between the objects on a map showing the correlation between objects" (Column 1, Lines 9-11).

13. In regards to claims 4 and 8, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity.

MacCuish's method and device display some icons on the display unit at initial utilization. Tachibana et al teach the use of the control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons.

14. MacCuish fails to teach the addition of characteristics involved in determining an element's degree of dissimilarity, and the assessment of the dissimilarities is adjustable.

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15. Tachibana et al do teach the addition of characteristics involved in determining an element's degree of dissimilarity (Column 16, Lines 5-9) and adjustable assessment of the dissimilarities of elements (Column 17, Lines 42-46).

16. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated icons are separated at distances based on their dissimilarity, where the addition of characteristics involved in determining an element's degree of dissimilarity, and the assessment of the dissimilarities is adjustable.

The motivation for such a combination is given by Tachibana et al, who state "the present invention relates to a system for monitoring objects and the correlation between the objects on a map showing the correlation between objects" (Column 1, Lines 9-11).

Response to Arguments

Applicant's arguments filed 25 June 2004 have been fully considered but they are not persuasive. In regards to Applicant's argument that Tachibana fails to teach displaying database elements based on their degree of dissimilarity, the Examiner respectfully disagrees. Tachibana discloses displaying elements at varying distances based on their correlation to a root element, such as the hierachal relations of Fig. 4 and col. 6, lines 23-45. The elements are grouped by hierachal level, with dissimilar elements occupying differing circles of the display. For example, nodes at the second and third hierachal levels of the display are related differently to the root node (i.e. child nodes in the second level and grandchild nodes in the third level) and thus are dissimilar. Therefore, Tachibana has been shown to teach displaying elements of a database based on their degree of dissimilarity, and the rejection is withheld.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Tachibana does not teach a database search engine and its method of operation, but instead teaches the use of a database for the retrieval of information concerning nodes in a hierachal network (see Tachibana, col. 14, lines 5-8) and their subsequent display. Therefore, using the database search engine of MacCuish in combination with the network database and nodal display method of Tachibana, one would obtain a database search engine and method of operation for retrieving and displaying elements from a database according to degrees of dissimilarity.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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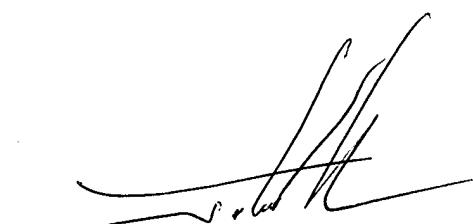
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
12/14/2004



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER